

1 IN THE UNITED STATES DISTRICT COURT FOR THE
2 DISTRICT OF SOUTH DAKOTA
3 SOUTHERN DIVISION

FILED
December 26, 1973
William J. Srotka,
Clerk
By DeAnn Noteboom,
Deputy

4 BERNARD CROWE, et al.,)
5)
6 Plaintiffs,)
7 vs.)
8 DON R. ERICKSON, et al.,)
9 Defendants.)

CIVIL ACTION NO. CIU72-4101

ORDER

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10
11 Upon the pleadings, plaintiffs Motion to Designate Class,
12 and all prior proceedings heretofore had herein, and upon hearing
13 counsel for both plaintiffs and defendants, it is hereby;

14 ORDERED, that this action shall be maintained as a class
15 action pursuant to Rule 23, Federal Rules of Civil Procedure and
16 shall consist of two classes as follows:

17 (a) the first class shall consist of all present
18 and future inmates confined to the South Dakota
19 State Penitentiary and the named plaintiffs
20 may act as representative parties for said
21 class with regard to the allegations contained
22 in paragraphs "8," "10" and "12;"

23 (b) the second class shall consist of all
24 present and future Native American inmates
25 of the South Dakota State Penitentiary
represented by the named plaintiffs with regard

1 to each new inmate who arrives at the prison for a period of
2 six months from the date the said Notice is finally dated.
3 Copies of the Notice shall be posted in conspicuous places
4 throughout the South Dakota State Penitentiary. There will be
5 two Notices which will conform to the classes set forth in
6 (a) and (b) above and shall advise the members of each class
7 that any member will be excluded from the class upon written
8 request to the court; that the judgment will be binding on all
9 who do not wish to be excluded; that any member of the class
10 may seek independent counsel of his own choosing; that any member
11 may specifically come into the action and present additional
12 claims or evidence, and any other matters, counsel deems relevant
13 to the said Notice.

14 Within ten (10) days of the filing of said Notice, counsel
15 for the defendants shall submit in writing any objections to the
16 proposed Notice, in which event the Court will set the matter
17 down for a hearing.

18 Done, this 26th day of December, 1972 at Sioux Falls,
19 South Dakota.

21 **FRED J. NICHOL**

22 Fred Nichol, Judge

23 **ATTEST:**

24 **WILLIAM J. SRSTKA,**

25 **Clerk**

(SEAL OF COURT)

26 **By DEANN NOTEBOOM,**

Deputy